



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,380	12/18/2001	Jens Haulund	87264.2581	6428

21834 7590 03/28/2005

BECK AND TYSVER  
2900 THOMAS AVENUE SOUTH  
SUITE 100  
MINNEAPOLIS, MN 55416

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/017,380	Applicant(s) HAULUND ET AL.	
	Examiner Victor Lesniewski	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/7/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-20 are pending.

### ***Information Disclosure Statement***

3. The IDS filed 3/7/2002 has been considered.

### ***Drawings***

4. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheets should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 20 is objected to because of the following informalities:
  - Claim 20 makes claim to "the system as in claim 15." However, claim 15 does not state a system and therefore claim 20 cannot be dependent on it. For the purpose of applying prior art it will be assumed that claim 20 makes claim to "the system as in claim 16."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jindal et al.

(U.S. Patent Number 6,324,580), hereinafter referred to as Jindal.

8. Jindal has disclosed:

- <Claim 1>

A domain name services (DNS) mapping for resources in a mainframe environment comprising: a locally managed DNS server (figures 1-4, item 102); and a DNS protocol to allow a client to request a mainframe resource and the DNS server to return a selected address of a client (column 5, lines 48-56).

- <Claim 2>

The system as in claim 1, further comprising a client side DNS process for collecting resource performance characteristics (column 6, lines 4-18).

- <Claim 3>

The system as in claim 2, wherein the DNS server returns the selected address of the client based upon collected machine performance characteristics of at least one client (column 6, lines 4-8).

- <Claim 4>

The system as in claim 1, further comprising mainframe resource polling (column 7, lines 34-48 and column 8, lines 4-6).

- <Claim 5>

The system as in claim 4, wherein the DNS server polls the resource to ensure it operability (column 10, lines 38-51).

- <Claim 6>

The system as in claim 4, wherein the resource transmits its operability status to the DNS server (column 10, lines 38-51).

- <Claim 7>

The system as in claim 6, wherein the resource does not transmit operability to the DNS server, which in response to the non-transmittal removes the resource from the DNS server (column 10, line 63 through column 11, line 7).

- <Claim 8>

The system as in claim 5, wherein the resource does not respond to the polling by the DNS Server, which in response removes the resource from the DNS server (column 10, line 63 through column 11, line 7).

- <Claim 9>

The system as in claim 8, wherein the DNS server reactivates the resource to the DNS server in response to an affirmation to the polling (column 11, lines 7-8).

- <Claim 10>

The system as in claim 7, wherein the DNS reactivates the resource to the DNS server upon retransmittal of operability status (column 11, lines 7-8).

- <Claim 11>

A method for domain name services (DNS) mapping in a mainframe environment comprising: receiving DNS request for a resource in a mainframe environment from a user (column 5, lines 48-51); selecting the resource from among registered mainframe resources (column 5, lines 51-54); and providing an address corresponding to the mainframe resource (column 5, lines 52-56).

- <Claim 12>

The method as in claim 11, further comprising collecting performance characteristics on mainframe resources (column 6, lines 4-18).

- <Claim 13>

The method as in claim 12, wherein in the step of selecting the resource is chosen through an analysis of similarly requested mainframe resources to arrive at a suitable resource for access (column 5, lines 24-25 and column 6, lines 4-8).

- <Claim 14>

The method as in claim 11, further comprising the step of polling the resource to ensure its operability (column 10, lines 38-51).

- <Claim 15>

The method as in claim 14 further comprising disassociating a resource from the DNS mapping in the mainframe environment (column 10, line 63 through column 11, line 7).

Art Unit: 2155

- <Claim 16>

A domain name services (DNS) mapping for resources in a mainframe environment comprising: means for receiving a DNS request for a resource in a mainframe environment from a user (column 5, lines 48-51); means for selecting the resource from among registered mainframe resources (column 5, lines 51-54); and means for providing an address corresponding to the mainframe resource (column 5, lines 52-56).

- <Claim 17>

The system as in claim 16, further comprising means for collecting performance characteristics on mainframe resources (column 6, lines 4-18).

- <Claim 18>

The system as in claim 16, wherein in the means for selecting the resource chooses a suitable resource for access through an analysis of similarly requested mainframe resources (column 5, lines 24-25 and column 6, lines 4-8).

- <Claim 19>

The system as in claim 16, further comprising means for polling the resource to ensure its operability (column 10, lines 38-51).

- <Claim 20>

The system as in claim 15, wherein the means for selecting is a local DNS server (figures 1-4, item 102).

Since all the limitations of the invention as set forth in claims 1-20 were disclosed by Jindal, claims 1-20 are rejected.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Brendel et al. (U.S. Patent Number 5,774,660) disclosed a web server that maintains resource-based load balancing on a distributed resource multi-node network.
- Teare et al. (U.S. Patent Number 6,151,624) disclosed a method for selecting a network resource using metadata where a crawler service polls each server in order to update a metadata registry.
- Ebrahim (U.S. Patent Number 6,154,777) disclosed a system that resolves domain name requests based upon a combination of predetermined criteria.
- Gupta et al. (U.S. Patent Number 6,405,252) disclosed a network of point of presence servers including servers that resolve domain names and determine traffic loads.
- Ebata et al. (U.S. Patent Number 6,513,061) disclosed a proxy server for directing a web service request to a web server that is within a certain proximity.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski  
Patent Examiner  
Group Art Unit 2155



HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER